

Senator Hutchison voted for Hon. T. L. Nugent.

On motion of Senator Jester, Senate adjourned till to-morrow morning 10 o'clock.

#### FOURTEENTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Jan. 25, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	Lewis,
Bowser,	McComb,
Browning,	McKinney,
Cranford,	Pressler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchinson,	Whitaker,
Imboden,	Woods,
Jester,	Yoakum.

Prayer by the chaplain, Dr. Briggs.  
Pending the reading of the journal,  
On motion of Senator Douglass, the reading of the same was suspended.  
The following telegram was read:

WASHINGTON, D. C., Jan, 24, 1893.

To the President of the Senate, Austin, Texas:

Permit me through you to express to the Legislature and people of Texas my sincere thanks for the distinguished honor this day conferred upon me, and to assure you and them that I accept with grateful heart, and promise that I will faithfully discharge the duties which the trust imposes upon me, and labor earnestly to secure the rights and promote the welfare of the people of Texas and of the whole country. R. Q. MILLS.

On motion of Senator Shelburne, the Journal of yesterday was corrected so as to show that in his substitute for the amendment and the amendment to the amendment the words "do personal" were stricken out and the words "kill or to do serious" be inserted in lieu thereof.

On motion of Senator Dickson, Senator Boren was excused on account of sickness.

On motion of Senator Atlee, the

Journal of yesterday was corrected so that same would show that Senate bill No. 27 was read third time after constitutional rules were suspended, instead of before, as shown by the Journal.

#### COMMITTEE REPORTS.

COMMITTEE ROOM,  
AUSTIN, TEXAS, Jan. 24, 1893.

Hon. M. M. Crane, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 3, entitled "An act to amend article 2235, chapter 3 of the Revised Civil Statutes of the State of Texas, relating to depositions,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

CRANFORD, Chairman.

#### BILLS AND RESOLUTIONS.

By Senator Swayne:

"A bill to establish and maintain a Women's Industrial Home for Fallen Women."

Read first time and referred to Committee on State Affairs.

By Senator McKinney:

A bill to be entitled "An act to amend article 758, chapter 8, title 8 of the Code of Criminal Procedure of the State of Texas, providing for taking the depositions of witnesses for the defendant when such witness resides out of the county where the prosecution is pending."

Read first time and referred to Judiciary Committee No. 2.

By Senator Swayne:

"A bill to amend subdivisions 24 and 28, section 1, article 566, chapter 101, authorizing grain elevators to sell and purchase grain and loan money thereon."

Read first time and referred to Judiciary Committee No. 1.

#### CONCURRENT RESOLUTIONS.

By Senator Steele:

*Resolved by the Senate, the House of Representatives concurring,* That the committee heretofore appointed to visit the University and its branches, also visit the medical branch at Galveston; also the committee appointed to visit the Terrell Lunatic Asylum also visit the Orphans' Home at Corsicana.

Adopted.

#### JOINT RESOLUTION.

By Senator Douglass:

Joint resolution to amend subdivision second of section 1, of article 9, of the Constitution of the State of Texas.

Read first time and referred to Committee on Constitutional Amendments.

#### SIMPLE RESOLUTIONS.

By Senator Kearby:

Whereas, No specific room has been set apart for the exclusive use of the engrossing committee; and

Whereas, It is necessary to perfect the difficult task of comparing bills and seeing that the same are correctly engrossed that said committee should have no other work going on in said room to interfere with their labors; therefore, be it

*Resolved*, That the room adjacent the postoffice in the Senate chamber be set apart for the use of said Committee on Engrossed Bills and under the care, control and supervision of the chairman of said committee.

Adopted.

#### UNFINISHED BUSINESS.

Chair laid before the Senate, Senate bill No. 28, entitled "An act to amend articles 2447, 2452 and 2453, of title 45, of the Revised Civil Statutes of the State of Texas."

Bill ordered engrossed and passed to third reading.

On motion of Senator Agnew, the constitutional rules requiring bills to be read on three several days were suspended, and the bill was put upon its final passage by the following vote:

#### YEAS—29.

Agnew,	Lawhon,
Atlee,	Lewis,
Baldwin,	McComb,
Browning,	McKinney,
Cranford,	Pressler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Whitaker,
Imboden,	Woods,
Jester,	Yoakum.
Kearby,	

#### NAYS—none.

Bill read third time and passed by the following vote:

#### YEAS—29.

Agnew,	Lawhon,
Atlee,	Lewis,
Baldwin,	McComb,
Browning,	McKinney,
Cranford,	Pressler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Steele,

Goss,	Swayne,
Greer,	Tips,
Hutchison,	Whitaker,
Imboden,	Woods,
Jester,	Yoakum.
Kearby,	

#### NAYS—none.

#### BILLS ON SECOND READING.

The Chair laid before the Senate, Senate bill No. 19, entitled "An act to establish a board to hear applications for pardons and commutations in felony cases."

Bill read second time.

On motion of Senator Lewis, the bill was made special order for Wednesday next after morning call.

The Chair laid before the Senate for consideration

Senate bill No. 30, entitled "An act for the relief of J. W. Bachelor."

Bill read second time.

Committee amendment adopted.

The bill was then ordered engrossed and passed to its third reading.

The Chair laid before the Senate for consideration

Senate bill No. 49, entitled "An act to amend article 538 of title 7, chapter 4, of Code of Criminal Procedure of Texas."

Bill read second time.

Senator Imboden moved to substitute the minority committee report for that of the majority.

Pending action, the following messages were read:

#### HOUSE OF REPRESENTATIVES, AUSTIN, TEXAS, Jan. 25, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: We are instructed by the House to invite your honorable body to a joint session of the two Houses of the Twenty-third Legislature, to be held in the Hall of Representatives at 12 o'clock m. to-day, for the purpose of reading the journals of the two houses had upon yesterday, and declaring the result of the election of United States Senator.

GOUGH,  
WILSON,  
MORRISON.

#### HOUSE OF REPRESENTATIVES, AUSTIN, TEXAS, Jan. 25, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am instructed by the House to inform the Senate of the passage by the House of the following Senate concurrent resolution:

*Resolved by the Senate of the State of Texas, the House of Representatives concurring*, That the committee heretofore appointed to visit the University and its branches, also visit the

medical branch at Galveston; and the committee appointed to visit the Terrell Lunatic Asylum also visit the Orphans' Home at Corsicana.

Respectfully,

GEO. W. FINGER,  
Chief Clerk House of Representatives.

The President announced that the hour for special order, Senate bill No. 16, had arrived.

On motion of Senator Atlee, the special order was postponed for thirty minutes.

Action recurred to Senator Imboden's motion to substitute the minority report for the majority, with the following result:

#### YEAS—13.

Bowser,	McKinney,
Browning,	Pressler,
Cranford,	Tips,
Dickson,	Whitaker,
Douglass,	Woods,
Imboden,	Yoakum.
Jester,	

#### NAYS—16.

Agnew,	Lawhon,
Atlee,	Lewis,
Baldwin,	McComb,
Crowley,	Shelburne,
Goss,	Simpson,
Greer,	Smith,
Hutchison,	Steele,
Kearby,	Swayne.

The majority report was then adopted.

#### SPECIAL ORDER.

The President laid before the Senate for consideration special order

Senate bill No. 16, entitled "An act for the relief of railway companies having charters granted or amended since January 1, 1889, which have failed, or about to fail, to comply with article 4378, Revised Statutes."

Bill read second time and committee amendment adopted.

By Senator Swayne:

Amend by striking out "1889" in the caption and in line 4, section 1, and in line 11, section 1, and insert in lieu thereof "1887."

Adopted.

The bill was then ordered engrossed and passed to its third reading.

On motion of Senator Imboden, the constitutional rules requiring bills to be read on three several days was suspended, and the bill put upon its final passage by the following vote:

#### YEAS—28.

Agnew,	Kearby,
Atlee,	Lawhon,
Baldwin,	Lewis,

Bowser,	McComb,
Browning,	McKinney,
Cranford,	Pressler,
Dean,	Shelburne,
Dickson,	Simpson,
Douglass,	Smith,
Goss,	Steele,
Greer,	Swayne,
Hutchison,	Whitaker,
Imboden,	Woods,
Jester,	Yoakum.

#### NAYS—1.

Crowley.

Bill read third time and passed by the following vote:

#### YEAS—28.

Agnew,	Lawhon,
Atlee,	Lewis,
Baldwin,	McComb,
Bowser,	McKinney,
Browning,	Pressler,
Dean,	Shelburne,
Dickson,	Simpson,
Douglass,	Smith,
Goss,	Steele,
Greer,	Swayne,
Hutchison,	Tips,
Imboden,	Whitaker,
Jester,	Woods,
Kearby,	Yoakum.

#### NAYS—1.

Crowley.

Chair laid before the Senate for consideration

Senate bill No. 55, entitled "An act to amend article 1139, title 28, chapter 1, of the Revised Civil Statutes of the State of Texas, and to add thereto another article to be known as article No. 1239 1-2."

Bill read second time.

On motion of Senator Kearby further consideration of this bill was postponed indefinitely, for the reason that a similar bill had already been passed.

The Chair laid before the Senate

Senate bill No. 63, entitled "An act to provide for the payment of the salary due the judges of the civil court of appeals from September 1, 1892, to March 1, 1893."

Bill read second time, ordered engrossed and passed to its third reading.

The Chair laid before the Senate

Senate bill No. 64, entitled "An act to provide for the payment of salary remaining due and unpaid the judges of the supreme court."

Bill read second time, ordered engrossed and passed to its third reading.

The Chair laid before the Senate

Senate bill No. 65, entitled "An act

to provide for the payment of the salary remaining due and unpaid the members of the commission of appeals."

Bill read second time, ordered engrossed and passed to its third reading.

Chair laid before the Senate,

Senate bill No. 66, entitled "An act to be entitled an act to amend sections 1 and 2 of an act entitled an act to prevent fishing and hunting on the enclosed lands of another, approved March 31, 1885."

Bill read second time.

By Senator Greer:

Amend section 1, line 10, by striking out the word "artificial."

Pending further action, by consent, Senator Cranford offered the following:

*Resolved*, That the secretary of the Senate be instructed to notify the House that the Senate will meet with that body at 12 o'clock m., for the purpose of canvassing the vote of the two Houses cast for United States Senator.

Adopted.

Senator Imboden entered a motion to reconsider the vote by which the majority committee report on Senate bill No. 49 was adopted, and same was ordered spread upon the Journal.

On motion of Senator Swayne, Senate bill No. 66 was made special order for Tuesday next at 11 a. m.

The President announced that the hour had arrived when, under the law, the Senate should repair to the hall of the House of Representatives to meet that body in joint session for the purpose of participating in the election of a United States Senator.

The Senate repaired to the House of Representatives.

#### IN JOINT SESSION.

Hon. M. M. Crane, Lieutenant Governor and President of the Senate, in connection with Hon. John H. Cochran, Speaker of the House, presiding.

The Speaker called the House to order at 12 meridian, and announced that the two Houses were in joint session for the purpose of canvassing the vote of yesterday for United States Senator.

The secretary of the Senate called the roll of the Senate.

Quorum present.

The reading clerk called the roll of the House.

Quorum present.

The secretary of the Senate read the proceedings had in the Senate, to-wit:

The hour having arrived at which time the Senate, by resolution adopted this morning, should proceed to the election of a United States Senator to succeed the Hon. Roger Q. Mills,

The Chair announced that nominations were now in order.

Senator J. W. Cranford placed in nomination Hon. Roger Q. Mills.

Senator Hutchison placed in nomination Hon. Thos. L. Nugent.

Senator Goss seconded the nomination of Mr. Mills.

Senator Dean seconded the nomination of Mr. Mills.

Senator McComb seconded the nomination of Mr. Mills.

Senator Jester seconded the nomination of Mr. Mills.

Senator Atlee seconded the nomination of Mr. Mills.

Senator Kearby seconded the nomination of Mr. Mills.

Senator Pressler seconded the nomination of Mr. Mills.

The Chair declared nominations closed, and the vote was taken and resulted as follows:

Those voting for Hon. R. Q. Mills were: Senators Agnew, Atlee, Baldwin, Bowser, Browning, Cranford, Crowley, Dean, Dickson, Douglass, Goss, Greer, Imboden, Jester, Kearby, Lawhon, Lewis, McComb, McKinney, Pressler, Shelburne, Simpson, Smith, Steele, Swayne, Tips, Whitaker, Woods and Yoakum—29.

Senator Hutchison voted for Hon. T. L. Nugent—1.

The reading clerk of the House read the proceedings had in the House, to-wit:

#### ELECTION OF UNITED STATES SENATOR.

The Speaker announced nominations in order.

Mr. Henderson of Milam nominated Hon. Roger Q. Mills.

Mr. Floyd nominated Hon. Thos. L. Nugent.

Mr. Finlay seconded the nomination of Mr. Mills.

Mr. Curry seconded the nomination of Mr. Mills.

Mr. Cochran seconded the nomination of Mr. Mills.

Mr. Hood of Parker seconded the nomination of Mr. Mills.

Mr. Onion seconded the nomination of Mr. Mills.

Mr. Calhoun seconded the nomination of Mr. Nugent.

Mr. Fagan seconded the nomination of Mr. Mills.

Mr. Beall seconded the nomination of Mr. Mills.



Mr. Dills seconded the nomination of Mr. Mills.

(Speaker Cochran in the chair.)

On motion of Mr. Wilson, nominations were declared closed, and the Speaker directed the clerk to call the roll of members:

The following members voted for Mr. Mills:

Hon. John H. Cochran, Speaker; Messrs. Aldridge, Alston, Baker of Red River, Baker of DeWitt, Ball, Ballowe, Barbee of Wharton, Barron, Barry, Bayne, Beall, Breeding, Broocks, Brown, Chambers, Chandler, Cunningham, Curry, Dashiell, Davis of Walker, Davis of Falls, Dean, Dever, Dills, Dodd, Erskine, Faubion, Fagan, Feagin, Fields, Finlay, Flack, Frazer, Garrett, Golden, Gough, Graham, Graves, Greer, Hamilton, Hawkins, Henderson of Lamar, Henderson of Milam, Henry, Hodges, Hood of Parker, Hood of Fannin, Jackson of Colorado, Jackson of Burleson, James, Kennedy of Bee, Kennedy of Harris, Kennedy of Starr, King of Rockwall, King of Ellis, Kirk, Lindsey, Lloyd, Long, Maddox, Martin, McElwee, McFall, McFarland, McGehee, McLeMore, Meyers, Mills, Moody, Moore, Morrison, Murray, Murrell, Newton, Nolan, Onion, Peck, Peter, Phillips, Pickett, Ragsdale, Rodriguez, Rogan, Rogers of Anderson, Rogers of Titus, Rogers of McLennan, Rowell, Rudd, Russell, Sebastian, Sherrill, Simmons of Grayson, Simmons of Maverick, Slayden, Smith of Smith, Smith of Hill, Strange, Sumner, Tankersley, Taylor, Templeton, Townsend, Truit, Turner, Turney, Urbahn, Weeks, Weinert, Wester, White, Wilson, Wohlford, Wynn, Young—115.

The following members voted for Mr. Nugent:

Messrs. Barbee of Freestone, Burleson, Cain, Calhoun, Cocke, Dorow, Floyd, Griffin—8.

The following voted for Mr. Cuney: Mr. Haller—1.

The result of the roll call was as follows:

Hon. Roger Q. Mills received 115 votes.

Hon. Thos. L. Nugent received 8 votes.

Hon. N. W. Cuney received 1 vote.

The Hon. Speaker of the House then announced that Roger Q. Mills, having received a majority of all the votes cast, was duly and constitutionally elected United States Senator for the ensuing six years.

7—Senate

The Speaker then announced that the object for which the joint session had been assembled had been completed, and on motion of Senator Imboden, the Senators withdrew to the Senate Chamber.

#### IN SENATE.

On motion of Senator Lawhon, the Senate adjourned till 10 o'clock tomorrow.

#### FIFTEENTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Jan. 26, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Agnew,	Jester,
Atlee,	Kearby,
Baldwin,	Lawhon,
Boren,	McComb,
Bowser,	McKinney,
Browning,	Pressler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Greer,	Whitaker,
Hutchinson,	Woods,
Imboden,	Yoakum.

Prayer by the chaplain, Dr. Briggs.

Pending the reading of the journal,

On motion of Senator Goss, the reading of the same was suspended.

#### PETITIONS AND MEMORIALS.

By Senator McKinney:

Petition of six citizens, members of Falls county bar, opposing the creation of the Fifty-fourth judicial district of McLennan county.

Read and referred to Committee on Judicial Districts.

On motion of Senator Kearby, Senator Lewis was excused till Saturday morning on account of important business.

#### COMMITTEE REPORTS.

COMMITTEE ROOM,  
AUSTIN, TEXAS, Jan. 25, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Internal Improvements to whom was referred

Senate bill No. 62, entitled "An act to amend section 1, of chapter 139, approved April 4, 1887, entitled an act to